

**R E M A R K S**

Claims 1-29 are pending in the application. Applicant amends claims 1, 13, and 25 for further clarification. No new matter has been added.

Applicant, again, respectfully requests that the Examiner acknowledge receipt of all certified copies of the priority documents, and initial all of the references listed on the PTO-1449 form attached to the Information Disclosure Statement (“IDS”) filed on April 5, 2006.

Claims 25-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicant amends claim 25 to remove the objected-to claim term, and requests that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 1-2, 7-10, 13-14, and 19-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0021682 to Ariyoshi et al.; claims 3-4 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0119452 to Kim et al.; claims 5, 11, 17, and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0012267 to Jitsukawa et al.; and claims 6, 12, 18, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ariyoshi et al. in view of U.S. Patent Application Publication No. 2003/0003942 to Okumura. Applicant amends claims 1 and 13 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

The Examiner maintained the claim rejections by arguing that the TTI described in Ariyoshi et al. is an interval where signals are received and not transmitted. The Examiner, thus, contended that Ariyoshi et al. disclose both an interval in which data is being

transmitted and an interval in which data is not being transmitted. Correspondingly, the Examiner relied upon the description in Ariyoshi et al. of a tentative SIR target value and an average estimated SIR value as alleged disclosure of the claimed target SIR control features. Applicant respectfully points out to the Examiner that Ariyoshi et al., as cited and relied upon by the Examiner, only describe a transmission time interval (“TTI”) as a required unit interval for calculating a block error rate that, in turn, delays a control response. And the cited portions of Ariyoshi et al., again, only include description of a “tentative SIR target value” and “average estimated SIR value of the transmission time interval TTI in which the current pre-interference cancellation received signal is contained to update the target SIR value for power control...” based generally on block error rates. Paragraphs [0047]-[0048] of Ariyoshi et al. Therefore, Ariyoshi et al., as cited and relied upon by the Examiner, do not disclose the claimed features of distinguishing between comparing error rate of receive data and comparing error rate of demodulated receive pilot as bases for controlling a target SIR during respective intervals where channel data is and is not included in receive data.

In other words, Ariyoshi et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] transmission power control method that compares error rate of receive data and target error rate on a receiving side, controls target SIR, and causes a transmitting side to control transmission power in such a manner that measured SIR will agree with the target SIR, comprising the steps of:  
determining whether an interval is an interval in which channel data is included in the receive data;  
comparing the error rate of receive data after decoding and the target error rate of the data and controlling the target SIR by a result of the comparing in the interval in which channel data is included in the receive data;  
measuring the error rate of a demodulated *receive pilot* in an interval in which channel data is not included in the receive data; and  
controlling the target SIR upon comparing the measured error rate of the pilot and target error rate of the pilot

in the interval in which channel data is not included in the receive data,” as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2 and 7-10 dependent therefrom, is patentable over Ariyoshi et al. for at least the foregoing reasons. Claim 13 incorporates features that correspond to those of claim 1 cited above, and is, therefore, together with claims 14 and 19-22 dependent therefrom, patentable over Ariyoshi et al. for at least the same reasons.

Claims 3-6 and 11 depend from claim 1, claims 15-18 and 23 depend from claim 13, and claims 12 and 24 incorporate features that correspond to those of claim 1 cited above. The Examiner cited and relied upon Kim et al., Jitsukawa et al. and Okumura as combining references to specifically address additional features recited in these claims 3-6, 11-12, 15-18, and 23-24, respectively. As such, adding these references would still have failed to cure the above-described deficiencies of Ariyoshi et al., even assuming, arguendo, that such further addition would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 3-6, 11-12, 15-18, and 23-24 are patentable over the cited references for at least the foregoing reasons.

Claims 25-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ariyoshi et al. in view of U.S. Patent No. 6,697,634 to Hayashi.

The Examiner relied upon the description in Hayashi of open-loop and closed-loop transmit power control as alleged suggestion of the claimed switching between data channel and control channel. Although Hayashi describes switching between a first transmit power control and a second transmit power control, the transmit power control section described therein executes the first transmit power control using a TPC command and executes the second transmit power control using a reception level. As such, Hayashi, as cited and relied upon by the Examiner—and correspondingly, the proposed combination of references—fails

to disclose or suggest the claimed feature of a unit executing first and second transmit power control based on quality measured for the data and control channels, respectively.

In other words, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Ariyoshi et al. and Hayashi, such a combination would still have failed to disclose or suggest,

“[a] radio communication apparatus configured to receive a data channel and a control channel, comprising:  
a unit configured to switch transmission power control between a first transmission power control on a basis of **quality measured for the data channel** and a second transmission power control on a basis of **quality measured for the control channel**.” as recited in claim 25. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 25, together with claims 26-29 dependent therefrom, is patentable over Ariyoshi et al. and Hayashi, separately and in combination, for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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